

Bill read third time, and passed by the following vote:

Yeas—17.

Atlee,	Lewis.
Bailey,	McComb,
Beall,	Presler,
Colquitt,	Rogers,
Dibrell,	Sherrill,
Gage,	Smith,
Goss,	Steele,
Greer,	Woods.
Lawhon,	

Nays—4.

Dean,	Simpson,
Shelburne,	Tips.

Paired.

Yeas.	Nays.
Agnew,	Lasker.

Present, not voting.

Darwin.

Absent, excused.

Stafford.

Absent, not excused.

Boren,	Harrison,
Bowser,	McKinney,
Dickson,	Whitaker.

Senator Beall moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

Senate Chamber,
Austin, Texas, April 23, 1895.

Hon. Geo. T. Jester, President of the Senate:

On account of the press of other important matters of legislation on my time and attention during the few remaining days of the session, I respectfully tender my resignation as a member of the joint free conference committee on the general appropriation bill.

J. M. PRESLER.

The Chair appointed Senator Beall to fill the vacancy caused by the above resignation.

The Chair announced the following free conference committee on part of the Senate to consider the differences between the two houses on Senate bill No. 238, the deficiency appropriation bill: Senators Tips, Sherrill, Bailey, Lasker and Rogers

IN SENATE.

Substitute House bill No. 302, a bill to be entitled "An act to provide for a supplemental assessment roll, and to collect taxes due by persons or upon property not listed by the tax assessor"

Read first time, and referred to Committee on Finance.

On motion of Senator Sherrill, Senator Harrison was excused for last Saturday, this week and indefinitely, on account of sickness.

On motion of Senator Steele, Senator McKinney was excused indefinitely, on account of sickness.

On motion of Senator Beall, Senator Bowser was excused for yesterday, today, and tomorrow.

On motion of Senator Sherrill, Senator Whitaker was excused indefinitely, on account of sickness.

On motion of Senator Colquitt, the Senate adjourned to 10 a. m. tomorrow.

EIGHTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas, April 25, 1895.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee,	Lawhon,
Bailey,	Lewis,
Beall,	McComb,
Boren,	Presler,
Bowser,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.
Lasker,	

Absent, excused.

Agnew,	McKinney,
Harrison,	Stafford.

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Sherrill, the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Bailey:

Petition from a great number of citizens of Fort Worth, asking for the passage of the bill known as the Fort Worth and Denver City Railway Company funding bill.

Senator Bailey requested that the petition be read and remain on the clerk's desk.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

House bill No. 500, a bill to be entitled "An act to provide for the manner of procuring the attendance of witnesses in felony cases pending in the courts of the State where the witness resides in some other county than the one in which the prosecution is pending, and to provide compensation for such witnesses, and to empower the court in which the prosecution is pending to punish witnesses for nonattendance after having been subpoenaed, and to enforce their attendance by attachment, and to provide compensation of sheriffs or other peace officers executing such attachment, and to repeal all laws and parts of laws in conflict with this act,"

With engrossed rider.

House bill No. 717, a bill to be entitled "An act to transfer San Augustine county from the district school system to the community school system, and to authorize and empower said county to organize and conduct all of its public free schools under the community school system, as provided by the law now in force,"

With engrossed rider.

House bill No. 662, a bill to be entitled "An act to limit the age at which persons shall be required to work upon the public roads of this State, or upon the streets and alleys of cities and towns of this State."

Also, that the House has spread a motion on the Journal to reconsider the vote by which Senate bill No. 238 was passed, and therefore requests the return of said bill to the House.

Respectfully,
CHESTER HAILE, Chief Clerk.

On motion of Senator Sherrill, the request of the House was granted.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 24, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1. to whom was referred

House bill No. 690, being "An act to diminish the civil and criminal jurisdiction of the county court of Crockett county,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 696, a bill to be entitled "An act to be entitled an act to change and fix the times for holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

ATLEE, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 678, a bill to be entitled "An act to amend an act passed by the Twentieth Legislature of the State of Texas, approved March 15, 1887, entitled 'An act to amend section 2 of an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved on the 9th day of April, 1883, and also to amend section 4 of an act entitled an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved on March 31, 1885,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

ATLEE, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 600, a bill to be entitled "An act to amend an act approved March 15, 1893, entitled 'An

act to amend section 23 of chapter 63 of an act passed at the regular session of the Twenty-second Legislature, approved April 13, 1891, entitled an act to amend section 23 of an act entitled an act to redistrict the State into judicial districts and fix the terms of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, and to change the time of holding the terms of the district court in Brazoria county, and conform the issuance, service, and return of process from said court to such change, and providing an extension of time of the January term of the district court in Brazoria county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

ATLEE, Chairman.

Committee Room,

Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 308, a bill to be entitled "An act to amend title 53, chapter 3, of the Revised Statutes, by adding articles 2953a and 2953b,"

Have had the same under consideration, and I am instructed by a majority of said committee to report the same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 307, "An act to amend section 1 of chapter 73 of 'An act to fix the fees of the Department of State, and require the collection of the same,' passed at the regular session of the Eighteenth Legislature, approved April 10, 1883,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

Committee Room,

Austin, Texas, April 24, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 51, entitled "An act to amend articles 798 and 799 of chapter 18, title 17, of the Penal Code of the State of Texas, relating to stolen or embezzled property brought into the State,"

And find the same correctly enrolled, and have this day, at 2:50 p. m., presented the same to the Governor for his approval.

BEALL, Acting Chairman.

Committee Room,

Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 662, a bill to be entitled "An act to limit the age at which persons shall be required to work upon the public roads of this State, or upon the streets and alleys of cities and towns of this State,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

STEELE, Chairman.

Committee Room,

Austin, Texas, April 24, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Penitentiaries, to whom was referred

House bill No. 471, a bill to be entitled "An act to amend section 62 of an act entitled 'An act to organize the Court of Criminal Appeals of the State of Texas, to define the jurisdiction thereof, to prescribe the procedure therein, to fix the places and times of holding the terms of said court, to repeal articles 1064, 1065, 1066, 1067, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, of the Revised Civil Statutes of the State of Texas, to repeal articles 64, 65, 66, 67, 838, 840, 841, 843, 844, 845, 852, 853, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 876, 877, 878, 879, 880, 881, 882, 883, 885, 887, 888, 889, 890, 1049, 1050, 1051, 1052, 1087, 1088, 1089, of the Code of Criminal Procedure of the State of Texas, and all laws and parts of laws in conflict with the provisions of this act,' passed at the first called session of the Twenty-second Legislature of the State of Texas, being chapter 16 of said acts,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODS, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.
Hon. Geo. T. Jester, President of the
Senate:

Your Committee on Towns and City
Corporations, to whom was referred

Senate bill No. 300, a bill to be entitled
"An act to amend an act incorporating
the city of San Antonio, approved Au-
gust 13, 1870, and all acts amendatory
thereof, to add certain sections thereto,
and to repeal certain sections thereof,"

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the recom-
mendation that it do pass, and that said
bill be not printed.

LASKER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Lasker:

A bill to be entitled "An act to amend
section 73b of the charter of the city of
Galveston, relating to the regulation of
railroad tracks within the city limits."

Read first time and referred to Com-
mittee on Towns and City Corporations.

By Senator Gage:

A bill to be entitled "An act to amend
article 1784, title 36, of the Revised Civil
Statutes of Texas, relating to escheated
estates."

Read first time and referred to Judi-
ciary Committee No. 2.

By Senator Dickson:

Whereas, Prof. H. A. McArdle, after
years of patient research, has secured all
available material and information for a
reliable history of the battle of San
Jacinto, and preserved the same in his
great battle painting; and

Whereas, At a recent exhibition of the
painting the members of the Legislature
were impressed with its historic and
artistic value, and with the patriotic
efforts of the artist; therefore be it

Resolved, That the members of the
Senate of the State of Texas extend their
thanks to Professor McArdle for his
faithful and patriotic efforts in preserv-
ing on canvas the heroism of the fathers,
and commend the painting as one of in-
estimable value to Texans.

Be it further resolved, That we hope
some plan may be devised by which the
State of Texas will become the owner of
the battle painting known as the Battle
of San Jacinto, and we regret that the
extremely stringent conditions of the
finances of the State renders it impossi-
ble at this session of the Legislature to
attempt its purchase.

Adopted.

Call concluded.

Senator Rogers called up

Senate bill No. 290, a bill entitled
"An act to redistrict the State of Texas

into judicial districts and to fix the
times of holding courts therein, and to
provide for the election of district judges
and district attorneys in said districts
at the next general election to be held on
the first Tuesday after the first Monday
in November, 1896, and to repeal all laws
and parts of laws in conflict with the
provisions of this act."

And moved that it be made special or-
der for tomorrow after call.

So ordered by the following vote:

Yeas—15.

Atlee.	Lewis.
Bailey,	Presler,
Beall.	Rogers,
Bowser,	Sherrill,
Darwin,	Steele,
Dickson,	Tips,
Greer,	Whitaker.
Lawhon,	

Nays—12.

Boren,	Lasker.
Colquitt,	McComb,
Dean,	Shelburne,
Dibrell,	Simpson,
Gage,	Smith.
Goss,	Woods.
Agnew,	Absent, excused.
Harrison,	McKinney,
	Stafford.

IN SENATE.

House bill No. 225, a bill to be entitled
"An act to provide for the organization
and control of school districts lying
partly within two or more counties and
school communities composed of persons
living within two or more counties."

Read first time and referred to Com-
mittee on Education.

House bill No. 457, a bill to be entitled
"An act to reorganize the Forty-first
Judicial District, and to provide the
times of holding the terms of the district
courts in said district."

Read first time and referred to Com-
mittee on Judicial Districts.

House bill No. 704, a bill to be entitled
"An act authorizing the board of man-
agers of the State Lunatic Asylum at
Austin, Texas, to sell, lease or dispose
of the water flowing from the artesian
wells on the grounds belonging to said
asylum."

Read first time and referred to Com-
mittee on State Asylums.

House bill No. 712, a bill to be entitled
"An act to define assignation houses,
and punishing the keepers, owners, per-
sons controlling the same, lessors and
lessees, and persons resorting thereto
for purpose of carnal intercourse, and
affixing the penalties thereto."

Read first time and referred to Judi-
ciary Committee No. 2.

House bill No. 14, a bill to be entitled "An act to amend article 1094, of chapter 4, of title 15, of the Code of Criminal Procedure of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 67, a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers; to provide a lien and prescribe the time of payments, and in lawful money of the United States; providing for attorneys' fees in foreclosing such liens and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act."

Read first time and referred to Committee on Labor.

House bill No. 218, a bill to be entitled "An act to amend articles 303, 304 and 305 of chapter 4, title 5, of the Code of Criminal Procedure of the State of Texas, relating to the taking of bail in felony and misdemeanor cases in the district courts of the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

House bill No. 32, a bill to be entitled "An act to provide for the survival of causes of action for personal injuries other than those resulting in death, and for the enforcement thereof."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 662, a bill to be entitled "An act to limit the age at which persons shall be required to work upon the public roads of this State, or upon the streets and alleys of cities and towns of this State," and fixing said limit from 21 to 45.

Read first time and referred to Committee on Roads and Bridges.

House bill No. 500, a bill to be entitled "An act to provide for the manner of procuring the attendance of witnesses in felony cases pending in the courts of the State where the witness resides in some other county than the one in which the prosecution is pending, and to provide compensation for such witnesses, and to empower the court in which the prosecution is pending to punish witnesses for nonattendance after having been subpoenaed, and to enforce their attendance by attachment, and to provide for the compensation of sheriffs or other peace officers executing such attachment, and to repeal all laws and parts of laws in conflict with this act."

Read first time, and referred to Judiciary Committee No. 2.

House bill No. 717, a bill to be entitled "An act to transfer San Augustine county from the district school system

to the community school system, and to authorize and empower said county to organize and conduct all of its public free schools under the community system as provided by the law now in force."

Read first time and referred to Committee on Education.

The Chair gave notice of signing, and did sign after the caption had been read,

Substitute House bills Nos. 85 and 91, a bill to be entitled "An act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,"

SPECIAL ORDER.

The Chair laid before the Senate

House bill No. 579, a bill to be entitled "An act to restore and confer upon the county court of Camp county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general laws of the State, and to conform the jurisdiction of the district court of said county to such changes, and to repeal all laws in conflict with this act."

Bill read second time.

By Senator Colquitt:

Amend by striking out the enacting clause.

Lost by the following vote:

Yeas—2.

Colquitt,

Woods.

Nays—22.

Atlee,
Bailey,
Beall,
Boren,
Bowser,
Darwin,
Dean,
Dickson,
Goss,
Greer,
Lasker,

Lawhon,
McComb,
Presler,
Rogers,
Shelburne,
Sherrill,
Simpson,
Smith,
Steele,
Tips,
Whitaker.

Absent, excused.

Agnew,
Harrison,

McKinney,
Stafford.

Absent, not excused.

Dibrell,
Gage,

Lewis.

Bill passed to third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—25.

Atlee,
Bailey,
Beall,

Boren,
Bowser,
Darwin,

Dean,
Dibrell,
Dickson,
Goss,
Greer,
Lasker,
Lawhon,
Lewis,
McComb,
Presler,

Rogers,
Shelburne,
Sherrill,
Simpson,
Smith,
Steele,
Tips,
Whitaker,
Woods.

Nays—1.

Colquitt.

Absent, excused.

Agnew,
Harrison,

McKinney,
Stafford.

Absent, not excused.

Gage.

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee,
Bailey,
Beall,
Boren,
Bowser,
Darwin,
Dean,
Dibrell,
Dickson,
Goss,
Greer,
Lasker,
Lawhon,

Lewis,
McComb,
Presler,
Rogers,
Shelburne,
Sherrill,
Simpson,
Smith,
Steele,
Tips,
Whitaker,
Woods.

Nays—1.

Colquitt.

Absent, excused.

Agnew,
Harrison,

McKinney,
Stafford.

Absent, not excused.

Gage.

Senator Darwin moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Atlee, regular order of business was suspended to take up

House bill No. 171, a bill to be entitled "An act to provide for the abolishment of the corporations of cities and towns containing fifteen hundred inhabitants or less."

Bill read second time with committee amendments.

Committee amendments adopted.

Bill passed to third reading.

On motion of Senator Atlee, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage, by the following vote:

Yeas—23.

Atlee,
Bailey,
Beall,
Boren,
Bowser,
Darwin,
Dean,
Dibrell,
Goss,
Lasker,
Lawhon,
Lewis,

McComb,
Presler,
Rogers,
Shelburne,
Sherrill,
Simpson,
Smith,
Steele,
Tips,
Whitaker,
Woods.

Nays—none.

Absent, excused.

Agnew,
Harrison,

McKinney,
Stafford.

Absent, not excused.

Colquitt,
Dickson,

Gage,
Greer.

Bill read third time, and passed by the following vote:

Yeas—20.

Atlee,
Bailey,
Beall,
Boren,
Bowser,
Darwin,
Dean,
Goss,
Lasker,
Lawhon,

Lewis,
Presler,
Rogers,
Shelburne,
Sherrill,
Smith,
Steele,
Tips,
Whitaker,
Woods.

Nays—2.

Dibrell,

Simpson.

Absent, excused.

Agnew,
Harrison,

McKinney,
Stafford.

Absent, not excused.

Colquitt,
Dickson,
Gage,

Greer,
McComb.

Senator Atlee moved to reconsider the vote by which the bill was passed, and to lay the motion on the table.

Tabled.

The Chair appointed Senator McComb, on free conference committee to consider the difference of the two Houses on House bill No. 271, to succeed Senator Stafford, who is absent.

On motion of Senator McComb, regular order of business was suspended to take up

Senate concurrent resolution No. 17:

Whereas, the Twenty-third Legislature appropriated and set apart the sum of seven hundred and fifty dollars for the purchase by the State of a part of the San Jacinto battle field fronting on Buffalo bayou, in Harris county, Texas,

and failed to make provision for the beneficial use of said sum, in that no one was invested with authority to receive it from the treasury; therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Daughters of the Republic, a corporation duly chartered under the laws of Texas, be and it is hereby authorized to act as an agent and trustee of the State for the purpose of receiving said sum of money from the treasury on a warrant of the Comptroller therefor, which is hereby directed to be issued, and for the purpose of investing and using the same in the purchase of a portion of the San Jacinto battlefield lying along and fronting Buffalo bayou, in Harris county, Texas, the said land to be conveyed by deed to the said corporation, the Daughters of the Republic, as trustee for the State of Texas.

Resolution read second time.

On motion of Senator Shelburne, the resolution was adopted.

Senator Shelburne moved to reconsider the vote by which the resolution was adopted, and to lay that motion on the table.

Tabled.

Senator Tips sent up and the Secretary read the following:

Hon. Geo. T. Jester, President of the Senate:

The citizens of Austin, through a committee heretofore appointed, invite the members and officers of the Legislature to join with them in an excursion up the lake on the steamer "Ben Hur" at such time as may best suit the pleasure of the Legislature, suggesting, however, Saturday afternoon, April 27, at 2 o'clock.

WALTER TIPS,
For the Committee.

Senator Lewis moved that the above invitation be accepted for next Saturday afternoon.

Accepted.

The Chair gave notice of signing, and did sign after the captions had been read,

Senate bill No. 24, "An act to amend section 12 of an act entitled 'An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,' approved April 2, 1889."

Senate bill No. 89, "An act to amend articles 483, 484 and 485 of the Code of Criminal Procedure of the State of Texas, prescribing the manner in which citations shall be served upon witnesses disobeying subpoenas in criminal cases, the character of judgment

that may be rendered in such cases, and providing for the collection of same."

Substitute Senate bill No. 106, "An act to authorize the incorporation of companies for the purpose of constructing union depots, and to authorize railway companies to own stocks and bonds of such depot companies, and to regulate the issuance of bonds by such union depot companies."

Senate bill No. 209, "An act to amend article 4767, section 1, of the Revised Civil Statutes of the State of Texas, with reference to the compensation of tax collectors, so as to regulate the division of commissions between incoming and outgoing collectors, so as to prevent double payment."

Senate bill No. 170, "An act to amend an act entitled 'An act to amend article 1054, chapter 2, title 15, of the Code of Criminal Procedure, as amended by an act of the Twenty-first Legislature, approved April 4, 1889,' constituting chapter 93, general laws of the State of Texas, 1891."

Senate bill No. 258, "An act to amend sections 2, 20, 24, 43, 138, 144, 148, 156 and 159 of an act entitled 'An act to incorporate the city of Dallas and to grant it a new charter,' approved March 13, 1889, and to add thereto sections 154a, 154b, 154c, 158a and 159a, and to repeal section 185 of said act, and also to amend section 158 of an act entitled 'An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State March 9, 1891, and also sections 120 and 161 of an act entitled an act to amend sections 6, 8, 9, 10, 14, 15, 61 and 185 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 18, 1889, and section 161 of said act as amended in 1891, and to repeal section 10 of an act entitled an act to amend sections 10, 21, 28, 94, 120, 140 and 158 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State on March 9, 1891, and to repeal all conflicting laws; and to conform same to the objections of the Governor in his veto message of March 18, 1893, passed by the Twenty-third Legislature, and certified to by the Secretary of State April 12, 1893, and to repeal all conflicting laws."

By consent, the following committee reports were sent up:

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 219, a bill to be entitled "An act to define division fences, and to provide for the adjustment of claims for constructing and repairing such fences between the part owners thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

ROGERS, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 457, a bill to be entitled "An act to reorganize the Forty-first Judicial District, and to provide the times of holding the terms of the district courts in said district,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

ATLEE, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 305, a bill to be entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety and the safe depositing of assets for which such surety may be liable, and the charging of fiduciaries of the expense of procuring sureties,"

Have had the same under consideration, and a majority of said committee instruct me to report it back to the Senate with the recommendation that it do not pass.

SIMPSON, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 311, a bill to be entitled "An act to amend section 73b of the charter of the city of Galveston, relating

to the regulation of railroad tracks within the city limits,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

LASKER, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 14, a bill to be entitled "An act to amend article 1094, of chapter 4, of title 15, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that said bill be not printed.

SMITH, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 593, a bill to be entitled "An act to amend article 3600 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

SIMPSON, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 564, a bill to be entitled "An act making it the duty of the commissioners court of all counties of the State of Texas to count all moneys in the hands of the county treasurer of their respective counties, and belonging to such counties, and to make such examination of the books, accounts, and vouchers of their respective county treasurer as to them may seem necessary and proper, in order to ascertain the true condition of the finances of their respective counties, and to provide a penalty for failure to comply with this act."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

SIMPSON, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 309, a bill to be entitled "An act authorizing the board of managers of the State Lunatic Asylum at Austin, Texas, to sell, lease, or dispose of the water flowing from the artesian wells on the grounds belonging to said asylum,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

SIMPSON, Chairman.

Committee Room,
Austin, Texas, April 25, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 302, a bill to be entitled "An act to validate the transfer from one county to another of the original record books of deeds and transfers kept for lands situated in unorganized counties, and to validate such transferred records,"

And find the same correctly engrossed.

BAILEY, Chairman.

On motion of Senator Bailey, regular order of business was suspended to take up

House bill No. 669, a bill to be entitled "An act to authorize the Fort Worth and Denver City Railway Company to fund its outstanding mortgage debt, and to substitute new bonds therefor and secure the same by mortgage upon its corporate property and franchises."

Bill read second time.

Senator Colquitt offered the following minority report, and moved its adoption in lieu of that of the majority, to wit:

MINORITY REPORT.

Committee Room,
Austin, Texas, April 25, 1895.
Hon. Geo. T. Jester, President of the Senate:

The undersigned members of your Committee on Internal Improvements respectfully submit the following minority report on

House bill No. 669, a bill to be entitled "An act to authorize the Fort Worth and Denver City Railway Company to fund its outstanding mortgage debt, and to substitute new bonds therefor, and secure the same by a mortgage upon its corporate property and franchises,"

And recommend that it do not pass for the following reasons:

1. The act of the Twenty-third Legislature, prohibiting the issuance of bonds of any railroad company over and above the reasonable value of the property of such railroad company, except where in case of emergency the public interest or the preservation of the property demands a greater issue as provided in said act. This bill is in direct violation of the said section of said act, in that the total value of the properties of the Fort Worth and Denver City Railway Company, as found by the Railway Commission, only approximates \$13,000 per mile, while this bill seeks to allow said company to issue bonds to the amount of \$18,000 per mile.

The fact that prior to the enactment of this law said company had issued bonds to the amount of \$18,000 to the mile, and that said bonded indebtedness, if refunded and bonds allowed to be issued, can be floated at a lower rate of interest is, in our opinion, but a specious pretext for practically exempting this road from the operation of this provision of the act of 1893. In our opinion, it would be to the best interest of the people patronizing this road to have it go through the process of liquidation afforded in the courts, sold out by judicial sale, and the proceeds applied to the payment of the bond holders, and the road reorganized and operated in the hands of its purchasers relieved of the encumbrances of old stocks and bonds.

2. It is useless for the Legislature at one session to enact a law regulating the issuance of bonds, if at succeeding sessions one road after another is to be excepted from its operation, as would probably be the case if this precedent be established.

All of which is respectfully submitted.

PRESLER,
AGNEW,
DARWIN,
COLQUITT,
STEELE.

(President Pro Tem. Lewis in the chair.)

The motion to substitute was lost by the following vote:

Yeas--11.

Beall,
Colquitt,
Darwin,
Dibrell,
Goss,
Lawhon,

Presler,
Smith,
Steele,
Tips,
Whitaker.

Nays--13.

Atlee,
Bailey,
Boren,
Bowser,

Dean,
Dickson,
Greer,
Lasker,

Lewis,
McComb,
Rogers,

Shelburne,
Simpson.

Paired.

Yea. Nay.
Woods. Sherrill.

Absent, excused.

Agnew, McKinney,
Harrison, Stafford.

Absent, not excused.

Gage.

By Senator Colquitt:

Amend by striking out all after the word "bonds," in line 10, down to and including "bonds" in line 13.

Senator Bailey moved the previous question on the amendment and the bill, which was duly seconded, and prevailed.

The amendment was lost by the following vote:

Yeas—6.

Colquitt, Smith,
Darwin, Steele,
Dibrell, Tips.

Nays—18.

Atlee, Lasker,
Bailey, Lawhon,
Beall, Lewis,
Boren, McComb,
Bowser, Presler,
Dean, Shelburne,
Dickson, Sherrill,
Goss, Simpson,
Greer, Whitaker.

Absent, excused.

Agnew, McKinney,
Harrison, Stafford.

Absent, not excused.

Gage, Woods.
Rogers,

Bill passed to third reading by the following vote:

Yeas—13.

Atlee, Greer,
Bailey, Lasker,
Boren, Lewis,
Bowser, McComb,
Dean, Shelburne,
Dickson, Simpson,
Goss,

Nays—10.

Beall, Presler,
Colquitt, Smith,
Darwin, Steele,
Dibrell, Tips,
Lawhon, Whitaker.

Paired.

Yea. Nay.
Sherrill. Woods.

Absent, excused.

Agnew, McKinney,
Harrison, Stafford.

Absent, not excused.

Gage, Rogers.

On motion of Senator Atlee, Senator Gage was excused for the remainder of today's session.

Senator Tips moved to adjourn to 10 a. m. tomorrow.

Senator Goss moved to adjourn to 9:30 a. m. tomorrow.

Senator Sherrill moved to adjourn to 3 p. m. today.

Senate adjourned to 10 a. m. tomorrow by the following vote:

Yeas—14.

Beall, Lawhon,
Colquitt, Shelburne,
Darwin, Simpson,
Dibrell, Smith,
Dickson, Steele,
Greer, Tips,
Lasker, Whitaker.

Nays—10.

Atlee, Goss,
Bailey, Lewis,
Boren, McComb,
Bowser, Presler,
Dean, Sherrill.

Absent, excused.

Agnew, McKinney,
Gage, Stafford.
Harrison,

Absent, not excused.

Rogers, Woods.

EIGHTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas, April 26, 1895.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee, Lawhon,
Bailey, Lewis,
Beall, McComb,
Boren, Presler,
Bowser, Rogers,
Colquitt, Shelburne,
Darwin, Sherrill,
Dean, Simpson,
Dibrell, Smith,
Dickson, Steele,
Gage, Tips,
Harrison, Whitaker,
Lasker, Woods.